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OO RUEHROV RUEHTRO
DE RUEHKH #1344/01 2471253
ZNR UUUUU ZZH
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FM AMEMBASSY KHARTOUM
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1803
INFO RUCNIAD/IGAD COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE
RHMFISS/CJTF HOA

UNCLAS SECTION 01 OF 03 KHARTOUM 001344

DEPT FOR AF A/S FRAZER, SE WILLIAMSON, AF/SPG
NSC FOR PITTMAN AND HUDSON
DEPT PLS PASS USAID FOR AFR/SUDAN
ADDIS ABABA ALSO FOR USAU

SENSITIVE
SIPDIS

E.O. 12958: N/A

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SUBJECT: SPLM FRUSTRATION GROWS OVER DEMARCATING SUDAN'S NORTH-SOUTH BORDER

REF: KHARTOUM 1310

11. (SBU) SUMMARY: President Bashir's August 27 public comments have put the North-South border demarcation issue at the center of the latest SPLM/NCP political impasse. Senior SPLM officials involved in the NCP/SPLM Executive-Committee talks are concerned that border demarcation could spark unintentional localized violence, pulling SAF and SPLA into conflict with civilians across the nine-state region. With the NCP on the electoral offensive, the GoSS cabinet in Juba is divided over the issue - but is nonetheless keenly aware of previous mis-steps taken by the SPLM during the similarly politically-fraught national census. Determined not to be held captive by Khartoum's bureaucratic defiance of CPA-determined funding timelines for the Ad Hoc Technical Border Commission, the SPLM established a shadow "political committee" on border demarcation to carefully monitor Southern technical representatives' interaction with their NCP counterparts. END SUMMARY.

BASHIR SACRIFICES COOPERATION TO POLITICAL ADVANTAGE

12. (SBU) President Bashir's public declaration in Juba August 27 that the demarcation of the 1956 North/South border "will be a painful experience for Northerners and Southerners alike" (ref. A) broke with an agreed NCP/SPLM strategy to resolve the issue quietly. It also put the future of the 1956 border squarely within the hardening SPLM/NCP stalemate over CPA provisions linked to the 2009 elections. GoSS Internal Affairs Minister Paul Mayom told ConGen Juba PolOff August 30 that Bashir's remarks surprised the SPLM and "were ill-considered." Mayom fears they could undermine continued GoSS efforts to disarm the South's civilian population and heighten tensions between poorly controlled and heavily armed frontline SAF and SPLA units. According to Mayom, during February's Executive Committee talks, the parties had jointly decided to target a public sensitization campaign at local communities along the border before finalizing the border. Until then, "mutually disturbing geographical discoveries" were to remain under wraps.

13. (SBU) Minister for Legal Affairs and Constitutional Development Michael Makuei told ConGen PolOff in February that both the NCP and SPLM had agreed on the need to "determine a way forward" on North/South border demarcation before publicizing the decision. Khartoum and Juba agreed to informally suspend political deliberations over border demarcation prior to the national census and to delay a planned "pegging of the border" beyond its April 2008 target date. (NOTE: The Ad Hoc Technical Border Commission, as part of its functional duties, was to have marked the borderline with stakes to generate community-level discussion - a plan cancelled during the joint NCP/SPLM Executive Committee talks held during that same period. END NOTE.) The Commission's technical work would continue, although woefully under-funded by the GNU.

14. (SBU) Not only did Bashir's August 27 public comments on the long-delayed demarcation undermine this understanding, but also his allegations of Southern-induced delays within the Ad Hoc Technical Border Commission smacked of NCP political spin, in the view of the SPLM. GoSS Vice President Riek Machar told Consul General August 29 that he and others took issue with Bashir's characterization. "We replaced our member," the testy Machar noted flatly, "because he died. And yet our brother neglected to mention that fact." Machar contends that elections will move forward even if the border remains unresolved, emphasizing that "we will not hold elections hostage for anything, because we strive to erect a new system in Sudan."

15. (SBU) Unless the yet-to-be-formed National Elections Commission (NEC) determines that Sudan's existing 270 electoral constituencies remain in place during the 2009 elections, few Sudanese politicians agree with Machar's assessment, and some UNMIS staff maintain that the border must be demarcated before balloting begins. While the 1956 border could be finalized after elections, were the NEC to adopt existing constituencies, post-election demarcation of the border would force gerrymandering that likely would result in a not-easily accepted shift in the composition of the National Assembly. "Even with Abel Alier at the helm," Mayom noted to ConGen PolOff, "we could not risk that."

RISK OF CONFLICT: HISTORY REPEATS ITSELF?

16. (SBU) On August 30, Mayom maintained that President Bashir's "reckless handling and politicization" of border demarcation risks dragging the country into a quagmire. "A few pegs will determine

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who can participate in the 2011 Referendum, and who cannot. Imagine on Tuesday being promised freedom and on Wednesday it is stolen from you." Mayom believes that these "newly anointed ex-Southerners" would take up arms to protest the decision, inviting SAF intervention against an uprising "nominally within the North."

17. (SBU) In this scenario, reminiscent of this past May's conflict in Abyei, the SPLA would be politically and militarily unable to stand-by and watch its former citizens attacked and would be drawn into the fray, Mayom insisted. "It would be an instantaneous reaction. We have the troops there, and the SAF in some areas is barely an arms-length out of the South." (COMMENT: If Mayom's scenario is even remotely prescient, Machar's position on border demarcation might gain more traction, particularly given Kiir's continued refusal to take his people back to war. However, composing an electoral strategy with after-the-fact gerrymandering would be well beyond the political capacity of the SPLM. END COMMENT).

UNMIS ASSISTS WITH SATELLITE

18. (SBU) While the parties' polarization increases, the UNMIS Elections Division is seeking to diminish the technical uncertainties inherent in delineating and demarcating the 1956 border by providing the government with high-resolution commercial-satellite imagery of the region. UNMIS Elections Chief Ray Kennedy informed the Southern Sudan Elections Donor Group of this on August 26. (NOTE: Although UNMIS intends to provide this to both Khartoum and Juba, it is unclear whether the GoSS has received the material. Presidential staffers queried by ConGen PolOff that same week were unaware of its existence. END NOTE.)

GOSS ALLEGES NCP MANIPULATION

19. (SBU) Meanwhile, the Ad-Hoc Technical Border Commission continues to be hampered by recent staff changes, insecurity along the South Darfur border and within Southern Kordofan, and inconsistent GNU funding not unlike those that hobbled the national census. The

issue's insertion into NCP/SPLM 2009 election calculations only exacerbates already tense political discussions between the parties. Ministers Mayom and Makeui asserted to ConGen PolOff in March that the Ad-Hoc Technical Border Commission was circulating a "politically motivated, NISS manufactured" near-final map of the 1956 North/South border which substantially expands "Northern territory" at the expense of the South.

¶10. (SBU) Makuei claimed that sizeable areas of the southern states of oil-rich Upper Nile, Western Bahr el Ghazal, and Northern Bahr el Ghazal were to be transferred to the North, becoming part of White Nile, South Darfur, and Southern Kordofan states respectively. While Makuei admitted that the Commission had discovered some maps that support territory shifts in select locations, he claimed that the majority of the proposed land-transfers were politically motivated, and supported by maps developed by NISS. Mayom criticized in particular the planned alterations to the state boundaries of Northern Bahr el Ghazal and Western Bahr el Ghazal, noting sarcastically that the proposed changes would "conveniently award Khartoum full control" over the region's copper belt and suspected uranium deposits.

¶11. (SBU) In discussions with CG on August 28, Machar noted that the border commission's findings may be challenged via arbitration. "Kharsana and Heglig (in Unity State) were both southerner villages even during British colonial rule," he maintained. The Vice President contended that the NCP was cherry-picking history, noting their push to North/South border 17 miles south of the Kiir River - a calculation based on historical grazing areas, not where villages once were located. "If they want to play such games, then we should argue for Kormuk." According to Machar, the one-time capital of then-SPLA controlled Southern Blue Nile was administered by Malakal, capital of the South's Upper Nile state through 1960.

. . .AND A KHARTOUM PETRO-GRAB

¶12. (SBU) Discussing the controversy with ConGen PolOff August 29, UNMIS/Juba officials alleged that the GNU recently has entered into unilateral exploratory contracts with Chinese oil corporations along the Unity State/Southern Kordofan border, "and now Khartoum must

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scramble to make the map safeguard their investment." Such allegations come on top of continued SPLM/NCP wrangling over NCP claims that the majority of Unity State's oil field areas, and those located in the western portion of Upper Nile state, actually fall north of the 1956 border. (NOTE: One such NCP assertion, that the Heglig oil field is part of the North, will be decided as part of the Permanent Court of Arbitration's deliberations on the boundaries of the Abyei region. GOSS officials have been trying to limit the fallout generated by some county commissioners who maintain that largely Nuer-inhabited Heglig is a part of Unity state and not the disputed oil region. END NOTE.)

GOSS INFIGHTING AND THE GHOST OF CENSUS PAST

¶13. (SBU) Makuei told PolOff on July 26 that the GOSS Council of Ministers had approved Kiir's recommendation to establish a "political committee" consisting of Machar, Makuei, Mayom, Minister for Energy and Mines John Luk Jok, and Minister for Presidential Affairs Luka Biong Deng to monitor the work of Southerners on the national commission. Southern technical experts, unhappy with the direction of the demarcation proceedings and unable to obtain a paper-trail justifying precise border decisions, threatened to walk out of the Ad Hoc Technical Border Commission in June. Kiir, blind-sided by the experts' degree of frustration, appointed the political committee to monitor the issue more closely. Makuei maintains Kiir's surprise stemmed from stove-piping of information within the Ministry of Presidential Affairs, and he alleged, unintended neglect by an overworked Luka Biong Deng.

¶14. (SBU) In particular, Makuei maintained that Biong Deng had paid insufficient attention to decisions being taken by the Commission, and alleged he was "overly reliant" on the advice of foreign experts not associated with the Commission itself (such as Abyei Boundaries Commission Panel of Experts Member Douglas Johnson). In a pattern reminiscent of SPLM mis-steps taken ahead of the national census, Kiir voiced deep concerns in July about the disconnect between the political impact of a geographically altered South and decisions being taken by technical experts on the Ad-Hoc Technical Border Commission. (NOTE: Current maps presented to the Commission place Kiir's own home area within the North - something that would make him ineligible to remain President of the Government of Southern Sudan, a "fact" he occasionally utters with relief. END NOTE.) Makuei, taking a position similar to VP Machar's, noted to ConGen PolOff, "fundamentally, demarcating the border on time will lead us nowhere but to war, and the SPLM has been caught sleeping."

¶15. (SBU) Comment: With Abyei relatively calm for now, border demarcation is on the short list of issues that may serve as a flash-point for renewed conflict, and certainly is a source of ongoing anxiety for the Nuba Mountains and Blue Nile communities that may be "lost" to the North if the South secedes. For this reason, and as Makuei himself notes above, the SPLM may have an interest in delaying the final determination of the border, to keep the Nuba Mountains and southern Blue Nile "in play" and keep the support of these populations as long as possible by leaving their situation ambiguous. This is a risky strategy, however, and leaves the SPLM exposed to manipulation, as shown by Bashir's comments. It also complicates districting for elections that neither party may actually want. The fact remains that both sides believe in terra irredenta extending far beyond the purported 1956 borders, with the NCP seeking to grab resource-rich areas and the SPLM longing to incorporate pro-SPLM border populations in a greater South Sudan. In the long run, the parties need to be pushed forward toward more transparent solutions, such as the UNMIS proposal of using satellite photos to assist with mapping and demarcation.

FERNANDEZ